

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

**SUZANNE DEGNEN, D.M.D., P.C.  
d/b/a SUNSET TOWER FAMILY  
DENTISTRY,**

**Plaintiff,**

**v.**

**SCHEDULING INSTITUTE, INC. d/b/a  
SCHEDULING INSTITUTE, et al.,**

**Defendants.**

**No. 4:15-cv-00450-JAR**

**UNOPPOSED MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION  
SETTLEMENT**

Plaintiff Suzanne Degnen, D.M.D., P.C. d/b/a Sunset Tower Family Dentistry, individually and on behalf of the “Settlement Class,” moves under Rule 23 of the Federal Rules of Civil Procedure for preliminary approval of a proposed class action settlement of this action.

1. The parties have agreed to a class-wide settlement of this action concerning facsimiles in which Plaintiff alleged violation of the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.*

2. Defendant Scheduling Institute, Inc. d/b/a Scheduling Institute does not oppose this Motion.

3. The settlement resulted from a day-long mediation, as well as a February 2, 2016 hearing, during which the Court discussed with the Parties its initial impressions of their prior proposed settlement.

4. The most significant change to the new settlement is that it increases the Class members’ relief from \$25 per member to \$100 per member, with the possibility of up to \$1,500 per member.

5. In addition, the new settlement lowers the maximum incentive award Plaintiff may request and includes a declaration from Plaintiff's general manager detailing the active and significant role Plaintiff has played in this litigation and how Plaintiff has stayed true to the interests of the Class.

6. The new settlement also lowers the amount of attorneys' fees Plaintiff's counsel may request, better describes the dental-related work performed by the proposed *cy pres* recipient, and provides for direct mail notice to the entire class.

7. Plaintiff files contemporaneously herewith its Memorandum in Support of Unopposed Motion for Preliminary Approval of Class Action Settlement, to which is attached the Settlement Agreement and Release and additional exhibits.

WHEREFORE, Plaintiff Suzanne Degnen, D.M.D., P.C. d/b/a Sunset Tower Family Dentistry requests that this Court enter an order (1) conditionally certifying the proposed Settlement Class, (2) granting preliminary approval to the Settlement, (3) naming Plaintiff as class representative, (4) appointing Ronald J. Eisenberg and Robert Schultz as Class Counsel, (5) approving the proposed notice plan, (6) scheduling a final fairness hearing, and (7) providing such other and further relief as the Court deems reasonable and just.

SCHULTZ & ASSOCIATES LLP

By: /s/ Ronald J. Eisenberg  
Ronald J. Eisenberg, #48674MO  
Robert Schultz, #35329MO  
640 Cepi Drive, Suite A  
Chesterfield, MO 63005  
636-537-4645  
Fax: 636-537-2599  
[reisenberg@sl-lawyers.com](mailto:reisenberg@sl-lawyers.com)  
[rschultz@sl-lawyers.com](mailto:rschultz@sl-lawyers.com)

*Attorneys for Plaintiff*

**CERTIFICATE OF SERVICE**

I certify that on February 19, 2016, the foregoing was filed electronically with the Clerk of Court to be served by operation of the Court's electronic filing system upon all registered counsel of record.

/s/ Ronald J. Eisenberg